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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/029,809 | 12/27/2001 | Marcel F.C. Schemmann | US010689 | 5377 |

24737 7590 12/03/2004

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EXAMINER

PHAN, HANH

ART UNIT PAPER NUMBER

2633

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,809

Applicant(s)

SCHEMMANN ET AL.

Examiner

Hanh Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/24/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Manor et al (Pub No.: US 2002/0024693 A1).

Regarding claim 1, 8 and 9, referring to figure 1, Manor teaches an optical transmission system comprising:

a plurality of optical signal transmitters (i.e., laser _1 to laser_ n and optical up conversion unit 24, Fig. 1) for receiving RF signal inputs and transmitting optical signals, wherein each optical signal produces optical signals having a first characteristic wavelength;

a plurality of optical transmission lines (Fig. 1) coupled to the optical signal transmitters (i.e., laser _1 to laser_ n and optical up conversion unit 24, Fig. 1) and to at least one headend (Fig. 1), the head end including at least one DWDM signal receiver (i.e., demultiplexer 18, optical down conversion unit 30 and O/E unit 31, Fig. 1);

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the at least one DWDM signal receiver (i.e., demultiplexer 18, optical down conversion unit 30 and O/E unit 31, Fig. 1) having a second characteristic wavelength, the second characteristic wavelength corresponding to the first characteristic wavelength of the optical signal transmitter;

an output from the at least one DWDM signal receiver (Fig. 1);

at least one information signal line (i.e., receiver _1 to receiver _n, Fig. 1) coupled to the output of the at least one DWDM signal receiver; and

wherein there is no distribution hub operationally coupled between the plurality of optical signal transmitters and the headend (see page 3, paragraphs [0035]-[0044]).

Regarding claims 2 and 13, Manor further teaches the plurality of optical signal transmitters (i.e., laser _1 to laser _n and optical up conversion unit 24, Fig. 1) produce a plurality of optical signals, and wherein the plurality of optical signals are freely combined.

Regarding claims 3, 11 and 14, Manor further teaches each optical signal transmitter (i.e., laser _1 to laser _n and optical up conversion unit 24, Fig. 1) includes an upconverter (i.e., optical up conversion unit 24, Fig. 1).

Regarding claims 4 and 15, Manor further teaches each upconverter is characterized by a frequency band, and further wherein the frequency band is unique to that the upconverter (Fig. 2, page 3, paragraphs [0039]-[0040]).

Regarding claims 5 and 16, Manor further teaches there is no overlap between frequency bands corresponding to each of the upconverters (Fig. 2, page 3, paragraphs [0039]-[0040]).

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Regarding claims 6, 10 and 17, Manor further teaches the plurality of optical signals are combined with a splitter/combiner apparatus (i.e., multiplexer 14, Fig. 1).

Regarding claims 7 and 18-21, Manor further teaches the output from a first of the at least one DWDM receivers and the output from a second of the at least one DWDM receivers are signals having different wavelengths, and wherein the different wavelengths do not converge (Fig. 1).

Regarding claims 12, referring to figure 1, Manor teaches an optical transmission system comprising:

- a plurality of optical signal transmitters (i.e., laser _1 to laser _n and optical up conversion unit 24, Fig. 1) for receiving RF signal inputs and transmitting optical signals, wherein each optical signal transmitter produces optical signals having a first characteristic wavelength;

- a plurality of transmission clusters (i.e., a plurality of transmission clusters 23, Fig. 1), each transmission cluster comprising at least one of the optical signal transmitters;

- a plurality of optical transmission lines (Fig. 1) coupled to the optical signal transmitters and to at least one headend, the head end including at least one DWDM signal receiver;

- the at least one DWDM signal receiver (i.e., demultiplexer 18, optical down conversion unit 30 and O/E unit 31, Fig. 1) having a second characteristic wavelength, the second characteristic wavelength corresponding to the first characteristic wavelength of the optical signal transmitter;

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an output from the at least one DWDM signal receiver (Fig. 1);
at least one information signal line (i.e., receiver 1 to receiver n, Fig. 1)
coupled to the output of the at least one DWDM signal receiver; and
wherein there is no distribution hub operationally coupled between the
plurality of optical signal transmitters and the headend (see page 3, paragraphs
[0035]-[0044]).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mickelsson et al (Pub. No. US 2003/0072055 A1) discloses optical transmission system.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

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A handwritten signature in black ink, appearing to read 'Hanh Phan', written over a horizontal line.

Hanh Phan

Primary Examiner

11/24/2004